

Customer No.	026418	
Attorney's Docket No.:	GK-ZEI-3254 / 500343.20274	
U.S. Application No.:	10/511,483	
International Application No.:	PCT/EP03/04024	
International Filing Date:	APRIL 17, 2003	17 APRIL 2003
Priority Date Claimed:	APRIL 17, 2002	17 APRIL 2002
Title of Invention:	<b>METHOD FOR THE SPECTROSCOPIC DETERMINATION OF THE OXYGEN SATURATION OF BLOOD IN THE PRESENCE OF OPTICAL DISTURBANCE VARIABLES</b>	
Applicant(s) for (DO/EO/US):	Dietrich SCHWEITZER, Martin HAMMER and Eike THAMM	

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- 1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
- 2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
- 3. This express request to begin national examination procedures [35 U.S.C. 371 (f)] at any time rather than delay examination until the expiration of the applicable time limit set forth in 35 U.S.C. 371(b) and PCT Articles 22 and 23.
- 4. A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
- 5. A copy of **Publication No. WO 03/086193 23OCT03** the International Application as filed [35 U.S.C. 371(c)(2)]
  - a) \_\_\_ is transmitted herewith (required only if not transmitted by the International Bureau)
  - b) \_\_\_ has been transmitted by the International Bureau
  - c) \_\_\_ is not required, as the application was filed in the United States Receiving Office (RO/US)
- 6. A translation of **Publication No. WO 03/086193 23OCT03** the International Application into English [35 U.S.C. 371(c)(2)]
- 7. Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)]
  - a) \_\_\_ are transmitted herewith (required only if not transmitted by the International Bureau)
  - b) \_\_\_ have been transmitted by the International Bureau
  - c) \_\_\_ have not been made; however, the time limit for making such amendments has **NOT** expired.
  - d) \_\_\_ have not been made and will not be made
- 8. A translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)]
- 9. An Oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)]
- 10. A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)]

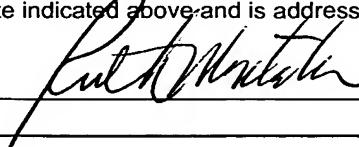
Items 11. to 16. Below concern other document(s) or information included:

- 11. **An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98**
- 12. An Assignment document for recording. A separate cover sheet (PTO-1619A) in compliance with 37 CFR 3.28 and 3.31 is included.
- 13. **X A FIRST preliminary amendment**  
**— A SECOND or SUBSEQUENT preliminary amendment**
- 14. **A substitute specification with abstract (attached to the preliminary amendment)**
- 15. A change of power of attorney and/or address letter
- 16. (other items or information) **371 Formalities Letter dated July 7, 2005**

EXPRESS MAIL No.: EV 302 917 062 US

Deposited: September 7, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service Express mail under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1540

  
/Ruth Montalvo Date: September 7, 2005

17. The following fees are submitted:

**BASIC NATIONAL FEE [37 CFR 1.492(a)(1)-(5)]**

<input type="checkbox"/> Search Report has been prepared by the EPO or JPO	\$ 950.00		
<input type="checkbox"/> International preliminary examination fee paid to USPTO [37 CFR 1.482]	\$ 750.00		
<input type="checkbox"/> No International preliminary examination fee paid to USPTO [37 CFR 1.482] but International search fee paid to USPTO [37 CFR 1.445(a)(2)]	\$ 790.00		
<input type="checkbox"/> Neither International preliminary examination fee [37 CFR 1.482] nor International search fee [37 CFR 1.445(a)(2)] paid to USPTO	\$ 1,110.00		
<input type="checkbox"/> International preliminary examination fee paid to USPTO [37 CFR 1.482] and all claims satisfied provisions of PCT Article 33(1)-(4)	\$ 100.00		

**ENTER APPROPRIATE BASIC FEE AMOUNT:**

Claims	Number Filed		Number Extra	Rate	
Total Claims (In German lang)	3	-20	1	x \$ 18. =	
Indep. Claims	1	-03		x \$ 88. =	

Multiple Dependent Claim(s) (if applicable) + \$ 300. =

**TOTAL OF ABOVE CALCULATIONS:**

Surcharge of \$130.00 for furnishing the oath or declaration later than  20  30 months from the earliest claimed priority date [37 CFR 1.492(e)] **\$130.00**

**TOTAL OF ABOVE CALCULATIONS:** **\$130.00**

Applicant claims Small Entity Status [See 37 CFR 1.27] Reduction by 1/2 for filing by small entity

**SUBTOTAL:** **\$130.00**

Processing fee of \$130.00 for furnishing the English Translation later than  20  30 months from the earliest claimed priority date [37 CFR 1.492(f)]

**TOTAL NATIONAL FEE:** **\$130.00**

Fee for recording the enclosed assignment [37 CFR 1.21(h)] The assignment must be accompanied by an appropriate cover sheet (PTO-1595) [37 CFR 3.28, 3.31]. \$ 40.00 per property +

**TOTAL FEE(S):** **\$130.00**

AMOUNTS TO BE  
REFUNDED OR CHARGED

REFUNDED  
CHARGED

\$  
\$

**(Please note the filing fee is based on the Amended Claims in the PCT/IPEA/409)**

Check in the amount of \$ 130.00 to cover the above fees is enclosed. (The Commissioner is hereby authorized to charge any additional fees required with this submission or to credit any overpayment to Deposit Account No: 50-1529.)

**NOTE:** Where an appropriate time limit under 36 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or (b)] must be filed and granted to restore the application to pending status.

**SEND ALL CORRESPONDENCE TO:**

**Gerald H. Kiel, Esq.**

Reed Smith LLP **(Customer No. 026418)**  
 599 Lexington Avenue  
 New York, NY 10022-7650

Gerald H. Kiel  
 Name (Tel. (212) 521-5400)

Signature

25,116  
 Reg. No.

September 7, 2005  
 Date

09/15/2005 GFREY1 00000125 10511483

01 FC:1617 130.00 0P



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 PO Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/511,483	Dietrich Schweitzer	GK-ZEI-3254/500343.20274
		INTERNATIONAL APPLICATION NO.
		PCT/EP03/04024
		IA. FILING DATE
		04/17/2003
		PRIORITY DATE
		04/17/2002
CONFIRMATION NO. 4431		
371 FORMALITIES LETTER		
*OC00000016449429*		

Date Mailed: 07/07/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/15/2004
- Copy of the International Search Report filed on 10/15/2004
- Information Disclosure Statements filed on 10/15/2004
- U.S. Basic National Fees filed on 10/15/2004
- Priority Documents filed on 10/15/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- **\$130** Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity.

- **\$130** Late oath or declaration Surcharge.

**DOCKET** *ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION,*

*Due Sept. 7, 2005 Executive Docket + Translation*  
*Feb. 7, 2006 Deadline*

**WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

• Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/511,483	PCT/EP03/04024	GK-ZEI-3254/500343.20274

FORM PCT/DO/EO/905 (371 Formalities Notice)